

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

THIELE KAOLIN COMPANY,

Plaintiff,

v.

**ENVIRONMENTAL RESOURCES
MANAGEMENT—SOUTHEAST, INC.
d/b/a ERM SOUTHEAST, INC.,**

Defendant.

CIVIL ACTION NO. 5:22-cv-232 (MTT)

ORDER

This lawsuit arises out of a commercial dispute involving environmental consulting services performed by Defendant Environmental Resources Management – Southeast, Inc. (“ERM”) for Plaintiff Thiele Kaolin Company pursuant to a Master Agreement for Environmental Consulting Services (the “Agreement”). Doc. 1. After the Court granted two consent motions to extend ERM’s responsive pleading date, ERM moved to dismiss. Docs. 10; 12; 14. Also, ERM moves to file its brief under seal, and jointly with Thiele, file the Agreement under seal. Docs. 15; 16.

The motions to seal are without merit. The public enjoys a qualified common law right of access to judicial proceedings. *See generally Chicago Tribune Co. v. Bridgestone/Firestone, Inc.*, 263 F.3d 1304 (11th Cir. 2001). The right applies to all materials submitted “in connection with a substantive motion.” *Id.* at 1312-13. The Court must balance the interest of the parties and the public and may consider, among other factors, “whether allowing access would impair court functions or harm legitimate

privacy interests, the degree of and likelihood of injury if made public, the reliability of the information, whether there will be an opportunity to respond to the information, whether the information concerns public officials or public concerns, and the availability of a less onerous alternative to sealing the documents.” *Romero v. Drummond Co.*, 480 F.3d 1234, 1246 (11th Cir. 2007).

Outside of the confidentiality provision contained in Paragraph 18 of the Agreement, neither ERM nor Thiele make any effort to articulate why their asserted privacy interests outweigh the public’s right of access to court proceedings, and in particular, the one document at issue. Docs. 15 ¶ 4; 16 ¶ 4. Accordingly, ERM’s motion to file its brief in support of its motion to dismiss under seal (Doc. 15) and the parties’ joint motion to file the Agreement under seal (Doc. 16) are **DENIED**.

SO ORDERED, this 20th day of January, 2023.

S/ Marc T. Treadwell
MARC T. TREADWELL, CHIEF JUDGE
UNITED STATES DISTRICT COURT